

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

MAXAZINA BROWN,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:18-1619
	:	
v.	:	(JUDGE MANNION)
	:	
ANDREW SAUL, Commissioner of Social Security,	:	
	:	
Defendant	:	
	:	

ORDER

Pending before the court is the report of Magistrate Judge Gerald B. Cohn, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's claim for Supplemental Security Income be reversed and the action be remanded to the Commissioner for further proceedings. (Doc. 29). No objections have been filed to the report and recommendation. Upon review, the report will be adopted in its entirety.

In considering plaintiffs' appeal in this matter, Judge Cohn has determined that the plaintiff made a showing of clear prejudice or unfairness at the administrative hearing that stemmed from her unrepresented status. In addition, Judge Cohn determined that the ALJ erred in his reliance on the residual functional capacity assessment of the single decision maker.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

Upon review of Judge Cohn’s report and recommendation, the court finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Cohn to his conclusions. As such, the court will adopt the report and recommendation in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The report and recommendation of Judge Cohn (**Doc. 29**) is

ADOPTED IN ITS ENTIRETY as the decision of the court.

(2) The final decision of the Commissioner denying plaintiff’s claims is **REVERSED**.

(3) The instant action is **REMANDED** to the Commissioner for further proceedings.

(4) The Clerk of Court is directed to **CLOSE THIS CASE**.

S/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge

DATE: November 16, 2020

18-1619-02